**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**F.A.O. No.6764 of 2016(O&M)**
**Date of Decision: 10.05.2019**

Gayan Kaur etc.

.....Appellants.

Versus

Annu Khanna etc.

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Ms. Ekta Thakur, Advocate
for the appellants.

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**LISA GILL, J (Oral).**

Appellants-claimants, seek enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Chandigarh(for short 'tribunal'), vide impugned award dated 05.02.2016, on account of death of Dalbir Singh.

Appellants-claimants are the widow, minor children and aged parents of the deceased.

As per averments in the claim petition under Section 166 of the Motor Vehicles Act (for short 'M.V.Act'), Dalbir Singh on 07.01.2015, at about 4.00.p.m., was going on a cycle from Light Point Sector-23-24 Nursery to Sector-23, Chandigarh. Respondent no.1-Annu Khanna, while driving car bearing registration no. HR-03-L-4386, came from the opposite in a rash and negligent manner and struck against the cycle of Dalbir Singh.

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As a result thereof, Dalbir Singh fell down along with cycle and suffered multiple injuries on vital parts of his body. He was taken to General Hospital, Sector-16, Chandigarh, where he was declared brought dead due to the injuries received by him in the accident. FIR No. 4 dated 07.01.2015, under Sections 279, 337, 304-A IPC, was registered against respondent no.1, in this respect.

Dalbir Singh (deceased) was claimed to be 42 years old at the time of accident and working as a Beldar with PWD, Punjab Government, Sector-39-Chandigarh, drawing a monthly salary of about ₹22,000/-.

Learned tribunal on considering the evidence on record concluded that Dalbir Singh passed away due to injuries received by him in a motor vehicle accident which took place on 07.01.2015, due to the rash and negligent driving of respondent no.1-Annu Khanna. Dilbagh Singh was working as a Beldar with PWD, Punjab Government, Sector-39-Chandigarh, and was concluded to be drawing a salary of ₹24,024/- per month as per salary certificate, Ex.P-2 for the month of December 2014.

Learned tribunal awarded a sum of ₹40,19,606/- which is detailed as under:-

| **Sr. No.** | **Heads of claim** | **Awarded by tribunal** |
|---|---|---|
| 1. | Income | ₹24,024/- p.m |
| 2. | Addition | 30% |
| 3. | Income Tax | ₹11,000/- |
| 4. | Deduction | 1/4th |
| 5. | Multiplier | 14 |
| 6. | Loss of consortium | ₹1,00,000/- |
| 7. | Funeral expenses | ₹25,000/- |
| 8. | Love and affection to appellants no.2 to 4 | ₹75,000/- i.e. ₹25000/- each |
| | **Total** | **₹40,19,606/-** |

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I have heard learned counsel for the appellants and have gone through the file with her assistance.

Learned counsel for the appellants is unable to point out any ground whatsoever for enhancement of the compensation awarded to the appellants-claimants keeping in view the judgements of the Hon'ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and Ors. 2017(4) R.C.R.(Civil) 1009** and **Magma General Insurance Company Limited Vs. Nanu Ram @ Chuhuru Ram and others, 2018(4) R.C.R (Civil), 333.**

Learned counsel for the appellants is unable to point out any illegality or infirmity in the impugned award dated 05.02.2016 passed by the learned tribunal, Chandigarh, which calls for interference by this Court at the instance of the appellants.

No other argument has been raised.

There is a delay of 108 days in filing of this appeal. Keeping in view the fact that the matter has been adjudicated on merits, question of delay in filing of this appeal has been rendered academic. Application is accordingly disposed of.

Appeal is accordingly dismissed with no order as to costs.

**[LISA GILL]**
**Judge**

**10.05.2019**
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Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.

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